

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05-CR-00046-RJC-DSC

USA

v.

JOSEPH MIKE (1)

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ORDER

**THIS MATTER** is before the Court upon motion of the defendant pro se pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. (Doc. No. 149).

The gravamen of the defendant's complaint is that a prior conviction from New York should not have been used to enhance his sentence under 21 U.S.C. § 851; therefore, the Judgment imposing a life sentence, (Doc. No. 88), is contrary to law.<sup>1</sup> (*Id.* at 2-3). However, Rule 60(b) does not provide a way to challenge judgment in a criminal case. *United States v. Jones*, 730 F. App'x 172 (4th Cir. 2018) (citing *United States v. Mosavi*, 138 F.3d 1365, 1366 (11th Cir. 1998) ("Rule 60(b) simply does not provide relief from judgment in a criminal case.")).

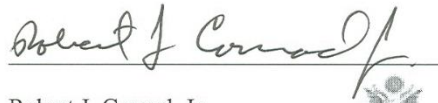
**IT IS, THEREFORE, ORDERED** that the defendant's motion, (Doc. No. 149), is **DISMISSED**.

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<sup>1</sup> On October 6, 2017, President Obama commuted the defendant's sentence to 30 years. (Doc. No. 139: Executive Grant of Clemency).

The Clerk is directed to certify copies of this Order to the defendant and the United States Attorney.

Signed: June 28, 2019

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

